

MEMO ENDORSED

Patterson Belknap Webb & Tyler LLP

1133 Avenue of the Americas New York, NY 10036-6710 212.336.2000 fax 212.336.2222 www.pbwt.com

November 18, 2020

By ECF

The Honorable Nelson S. Román
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Harry Sandick
Partner
(212) 336-2723
Direct Fax: (212) 336-1215
hsandick@pbwt.com

Re: United States v. Jacqueline Graham, No. 16-cr-00786-02

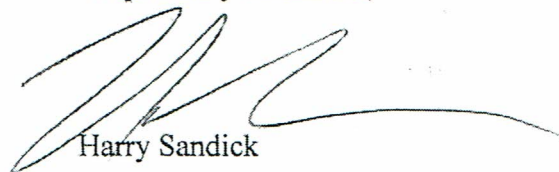
Dear Judge Román:

We represent Jacqueline Graham in her appeal pursuant to an appointment under the Criminal Justice Act by the United States Court of Appeals for the Second Circuit. We write regarding Ms. Graham's pro se application for permission to file a Notice of Appeal, filed on November 2, 2020 (Dkt. 314), and granted by the Court on November 13, 2020.

We spoke with Ms. Graham on November 13, 2020, and her current request is that we not file a notice of appeal in connection with the Court's decision of September 17, 2020. Ms. Graham instead reserves her right to file a renewed application based on changed circumstances, as the Second Circuit suggested is permitted in its recent decision in *United States v. Roney*, No. 20-1834, 2020 WL 6387844, at *3 (2d Cir. Nov. 2, 2020) (recognizing that denial of a motion for compassionate release "generally will not preclude a renewed application [to the district court] based on changed circumstances.").

We thank the Court for its consideration of this request.

Respectfully submitted,


Harry Sandick

The application is ☒ granted.
_____ denied.

Nelson S. Román, U.S.D.J.

Dated: 11/23/2020

White Plains, New York 10601

Clerk of Court requested to terminate the motion (doc. 314).

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>11/23/2020</u>
--